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DATE: October 17, 2005
TO: Commissioner for Patents
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THIS TRANSMISSION CONSISTS OF
13 pages (including this page)


FROM: Carol A. Wilson
Paralegal, IP Group
RE: Application No.: 10/726,179
Confirmation No.: 2573
Filed: December 2, 2003
Applicants: Oswald et al.
Group Art Unit: 2818
Examiner: Quoc Dinh Hoang
Attorney Docket: 37,235-03

Attached please find the following documents:

- Petition for Extension of Time (three months)
- Form PTO-2038 (\$1,020)
- Response and Amendment
- Letter from Australian Patent Office (April 1, 2005)

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on October 17, 2005, by:


Carol A. Wilson

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01 April 2005

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Your Ref: 684471

Examiner's first report on patent application no. 2001276840
by BP Corporation North America Inc.

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. The specification refers to US patent applications at page 1 however these documents are not available to the public in Australia. You will need to propose an amendment substituting these with the granted US patent numbers.
2. Claims 37, 45 and 46 do not define the invention described as they omit the essential feature of the photovoltaic device being partially transparent, which further defines the properties of the photovoltaic layers, as found throughout the description and the other independent claims.
3. The claims are generally not novel in the light of
US 5254179 by Ricaud et al
US 4892592 by Dickson et al
Leppaenen J et al. "Manufacturing options for large a-Si PV façade elements".

All documents also cited in the ISR.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651010.

Yours faithfully,



STEVE CLARK
Patent Examination B
A3 - Physics
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